

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

David R. Myrland,

Petitioner,

Civil No. 12-cv-2909 (PJS/TNL)

v.

United States and Scott P. Fisher, Warden,

**ORDER**

Respondents.

---

David R. Myrland, *pro se.*; and,

Pamela A. Marentette, Esq., Office of the United States Attorney, on behalf of  
Respondents.

---

Based upon the Report and Recommendation by United States Magistrate Judge  
Tony N. Leung dated July 29, 2013 (ECF No. 34), along with all the files and records,  
and no objections to said Recommendation having been filed, **IT IS HEREBY  
ORDERED** that:

1. The United States is dismissed as a respondent;
2. Myrland's Motion to Strike is denied [ECF No. 13];
3. Myrland's Motion for Partial Summary Judgment is denied [ECF No. 29];
4. The habeas petition is denied, and the case is dismissed with prejudice; and
5. The District Court adopts this Report and Recommendation, that judgment be  
entered.

Date: 08/22/13

s/Patrick J. Schiltz  
The Honorable Patrick J. Schiltz  
United States District Court Judge  
for the District of Minnesota